

**4214. Misbranding of "Kopp's Baby's Friend." U. S. \* \* \* v. 624 Packages \* \* \* of \* \* \* "Kopp's Baby's Friend." Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 6483, 6484, 6485. I. S. No. 14411-k. S. No. C-193-a.)**

On April 28, 1915, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel for the seizure and condemnation of 624 packages of "Kopp's Baby's Friend," remaining unsold in the original unbroken packages at Cincinnati, Ohio, alleging that the product had been shipped and transported from the State of Pennsylvania into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled: (On bottle) "Kopp's Baby's Friend. Contains about eight and one-half per cent. (by volume) alcohol and  $\frac{1}{8}$  grain sulphate of morphine in each fluid ounce, besides other medicinal ingredients. The Kopp's Baby's Friend Co. Successors to Mrs. J. A. Kopp, York, Pa. U. S. A. Directions: Dose for Child 1 week old, 6 drops; 2 weeks, 8 drops; 1 month, 15 to 18 drops; 2 months, 20 to 25 drops; 3 to 4 months,  $\frac{1}{2}$  teaspoonful; 4 to 6 months,  $\frac{3}{4}$  teaspoonful; 6 to 9 months, 1 teaspoonful; 12 months and over, 1 $\frac{1}{2}$  teaspoonful. Dose to be repeated in 2 hours if necessary to relieve pain. During teething give it morning and evening and rub gum several times daily with the medicine. For further directions read accompanying Circular Shake Well before using. Guaranteed by the M'fr's to comply with Food and Drugs Act, June 30, 1906. Serial No. guaranty 113." (On carton immediately inclosing bottle) "Kopp's 'Baby's Friend' Contains about Eight and One-Half Per Cent. Alcohol (by Volume); One-Eighth Grain Sulphate of Morphine in Each Fluid Ounce, Beside Other Medicinal Ingredients. The Kopp's Baby's Friend Co. Successors to Mrs. J. A. Kopp York, Pa. U. S. A. For Wind Colic, Gripping in the Bowels, Diarrhoea, Cholera Infantum and Teething Troubles. Price 25 cents Medium Size. Directions Inside. \* \* \* Pleasant to take Guaranteed by the manufacturer to comply with the Food and Drugs Act of June 30, 1906. Serial No. 113." (On wholesale carton containing 12 retail or unit packages) "25 Cent Size Kopp's 'Baby's Friend' Contains About Eight and One-Half Per Cent. (By Volume) Alcohol and One-Eighth Grain Sulphate of Morphine in Each Fluid Ounce, Besides Other Medicinal Ingredients. For Wind Colic, Gripping in the Bowels, Diarrhoea, Cholera Infantum and Teething Troubles. The Kopp's 'Baby's Friend' Co. Successors to Mrs J. A. Kopp, York, Pa. U. S. A. Guaranteed by the manufacturers to comply with the Food and Drugs Act, June 30, 1906, Serial No. Guaranty 113 None Genuine Without Facsimile Signature of C. Robert Kopp Pleasant to Take Keep in a cool place." (On circular enwrapping bottle and inclosed within unit carton) "Kopp's Baby's Friend—The King of baby soothers—Health for the baby means relief for the mother! \* \* \* Mothers:—Give Kopp's Baby's Friend to your baby for Wind Colic, Flatulency, Diarrhoea, Cholera Infantum and Teething Troubles.—The Kopp's Baby's Friend Co.—Successors to Mrs. J. A. Kopp—C. Robert Kopp, Chemist, York, Penn., U. S. A. \* \* \* Kopp's Baby's Friend has been used for years by mothers in all parts of the country with very best results. Hundreds of letters have been received which testify to its superior merit. \* \* \* (Testimonials) " \* \* \* I wish to state that I have used Kopp's Baby's Friend and claim it to be better than a doctor. \* \* \* I would recommend it to all comers. It is absolutely a wonderful cure for babies \* \* \* I find that it is a safe remedy, beneficial and effective \* \* \*."

Misbranding of the article was alleged in the libel for the reason that the aforementioned statements, borne upon and contained within the packages of said drug, and upon the labels of said packages, were false and misleading in

that one of the ingredients of said drug—to wit, morphine sulphate—was not a “Baby’s Friend” and was not “a safe remedy, beneficial, and effective” for babies and was not a “wonderful cure for babies,” particularly when used indiscriminately. Misbranding was alleged for the further reason that the aforementioned statements, borne upon and contained within the packages aforesaid, and upon the labels of said packages, regarding the curative and therapeutic effects of said drug and of the ingredients and substances contained therein, were false and fraudulent in that said drug contained no ingredient nor combination of ingredients capable of producing the therapeutic effects claimed in the statements upon and in said packages as hereinbefore set forth, and in that said drug was insufficient of itself for the successful treatment and cure of the ailments and diseases for which it was prescribed and recommended in the statements upon and in said packages and labels hereinbefore set forth.

On May 26, 1915, no claimant having appeared for the property, it was ordered by the court that the libel be taken *pro confesso*. On July 13, 1915, no answer to the libel having been filed, or other action taken by any claimant, final judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture*.